

Case 120-cv-00157-WES-LDA Document 1-1 Filed 04/01/20 Page 1 of 4 PageID #: 4
STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

BRANDON WELCH

v.

BROWN UNIVERSITY IN PROVIDENCE
IN THE STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

COMPLAINT

1. The Plaintiff, BRANDON WELCH, is a resident of the City of Providence, County of Providence, State of Rhode Island at all times relevant hereto.
2. The Defendant, Brown University In Providence In The State Of Rhode Island And Providence Plantations (Brown), is a Domestic Non-Profit Corporation with its primary place of business located at 1 Prospect Street, City of Providence, County of Providence, State of Rhode Island.
3. The Plaintiff was a student in the political science doctorate program with the defendant from the fall of 2014 until his discharge on August 8, 2017 at its Providence, Rhode Island location.
4. Plaintiff began a medical leave for depression on August 31, 2016 from his studies at Brown.
5. Plaintiff's depression is considered a disability within the meaning of the American's with Disabilities Act, as it did, in fact, impair Plaintiff's ability to learn by impairing his ability to think and perform task such as research and writing.
6. At the time Plaintiff began his medical leave, his depression had a considerable impact on his ability to complete his assignments in a timely fashion, and thus a significant impact on his academic achievement.
7. On August 8, 2017, the University sent Plaintiff an email that his application for readmission into the Doctoral Program was denied by the Political Science Department because he had failed to complete the terms of his leave, namely completing eight outstanding courses, "with a grade of B or better by May 1, 2017."
8. While he was out on leave, Plaintiff began receiving treatment for depression which allowed him to recover his ability to learn and complete tasks.
9. When Plaintiff attempted to complete the assignments required by the Department, he was faced with numerous issues:

- A. First, inexplicably, he was denied access to online text and books found in the JOSIAH search results. Specifically, he was unable to login to Ebrary/EBSCO for a period of at least March 29, 2007 until at least April 5, 2017.
- B. Second, there was an issue with procuring the medication that Mr. Welch was taking that caused his disability to be more of an issue. During this period, including the period just prior to May 1, 2017, Mr. Welch was unable to take the medication that mediated the effects of his disabling condition.

10. As a result of these issues, Plaintiff missed the May 1, 2017 deadline for competition of academic course work for readmission into the program.

11. Brown University, despite its knowledge of Mr. Welch's disabling condition and the failure of its own internal department to provide him with access to materials needed to compete his work, failed to accommodate Plaintiff in any fashion other than by offering him leave, with a rigid set completion of assignment date, then denying him readmission to the program, without explanation, when he failed to meet that date due to issues related to his disability and the University's internal processes.

12. Brown did not have a legitimate program based reason to have denied Mr. Welch an additional accommodation of slightly more time to complete his assignments.

13. Brown cannot dispute that the course work that was completed by Mr. Welch on his leave was done satisfactorily as the University provided him a Master's Degree in the area based on this course work.

14. Other committees at Brown were willing to allow Plaintiff to return to studies, but it was his department that specifically disallowed Plaintiff's petition to return in August 2017.

15. There is no legitimate non-discriminatory reason to deny the plaintiff continued participation in the program, in the absence of disability discrimination.

16. As a result thereby, the plaintiff has been injured, suffering loss of position, loss of wages, emotional distress, and other related damages including attorney's fees and cost.

COUNT I (ADA) AND II (RICRA).
AMERICAN'S WITH DISABILITIES ACT, TITLE III
And
R.I.G.L. § 42-112-1

17. The allegations of the previous paragraphs of the complaint are hereby realleged and incorporated by reference as if set forth in full herein.

18. The Plaintiff is an individual with a disability with in the meaning of the American's with Disabilities Act, namely ADHD, who was otherwise qualified to participate in the Defendant's Doctoral program at Brown University (BU).

19. The Defendant BU operates a private university that receives public funds.
20. Plaintiff was discriminated against with in the meaning of the statute when the Defendant, without other non-discriminatory reason, failed to accommodate the Plaintiff and allow him to continue with his studies violating both the ADA and RICRA.
21. Plaintiff suffered injury as a result as is set forth above.

WHEREFORE, Plaintiff seeks relief as is set forth below

COUNT II.
29 U.S.C § 701 et seq. (Section 504/Rehabilitation Act)

22. The allegations in the previous paragraphs are hereby realleged and incorporated by reference as if set forth in full herein.
23. The defendant BU receives funding as it is defined by 29 U.S.C. §794(b); C.F.R. § 27.1. 1.
24. Plaintiff was discriminated against within the meaning of the statute when the Defendant, without other non-discriminatory reason, failed to accommodate the Plaintiff and allow him to continue with his studies.
25. These actions constitute a violation of the Rehabilitation Act.
26. The Plaintiff has been injured by the Defendants conduct as set forth above.

WHEREFORE, Plaintiff seeks relief as is set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- (a) Take jurisdiction of this matter and declare Plaintiff's rights under the laws violated by Defendant;
- (b) Permanently enjoin Defendant from further unlawful conduct;
- (c) Award Plaintiff compensatory damages, including without limitation, all front pay, benefits, and other forms of compensation lost as a result of Defendant's unlawful conduct;
- (d) Award Plaintiff other nominal, general, special and consequential damages incurred as a result of Defendant's conduct;

- (e) Award Plaintiff prejudgment and post-judgment interest;
- (f) Award Plaintiff punitive damages;
- (g) Award Plaintiff his costs and expenses of this action, including reasonable attorney fees as authorized by law;
- (h) Grant a trial by a jury; and
- (i) Award such other and further legal and equitable relief as will effectuate the purposes of law, or as the Court deems just and proper.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY ON ALL COUNTS SO TRIABLE.

Dated: 2/18/2020 Plaintiff, by his attorneys,

/s/ Sonja L. Deyoe

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